

JAN 20 2004

Please type a plus sign (+) inside this box →

HDP/SB/21 based on PTO/SB/21 (08-00)

01 21 04

88

515-E JCA

TRANSMITTAL FORM

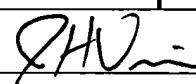
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/644,263
		Filing Date	August 20, 2003
		First Named Inventor	Larry Smith
		Group Art Unit	3636
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	1202L-003002

ENCLOSURES (check all that apply)

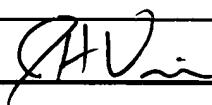
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	acknowledgement postcard; Statement Under 37 CFR 3.73(b) and Power of Attorney; copy of Assignment and copy of Recordation Cover Sheet
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.		Attorney Name Jeffrey H. Urian	Reg. No. 46,232
Signature				
Date	January 20, 2004			

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

Typed or printed name	Jeffrey H. Urian	Express Mail Label No.	EV 406 075 820 US (1/20/2004)
Signature		Date	January 20, 2004

EV 406 075 820 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/644,263
Filing Date: August 20, 2003
Applicant: Larry Smith et al.
Group Art Unit: --
Examiner: --
Title: SPRING SUPPORT FOR SEATING AREA OF FURNITURE
Attorney Docket: 1202L-003002

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR 3.73(b) AND POWER OF ATTORNEY

Under 37 C.F.R. § 3.73(b), the undersigned hereby states that the below-named Assignee is an assignee in the above-identified Application:

Assignee: Clayton-Marcus Company, Inc.
166 Teague Town Road
Hickory, NC 28601

The documentary evidence of a chain of title from the original owner to the Assignee is provided in the Assignment Document(s):

filed herewith,

previously filed,

Reel No. ____, Frame No. ____.

POWER OF ATTORNEY

I hereby appoint each practitioner at Customer No. 27572 of Harness, Dickey & Pierce, P.L.C., my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

CORRESPONDENCE ADDRESS

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572, Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

The undersigned, whose title is supplied below, is empowered to sign this certificate on behalf of the assignee.

Date: 1-5-04



A handwritten signature in black ink, appearing to read "Michael Delgatti".

Name: Michael Delgatti
Title: President

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

HDP Docket No. 1202L-003002

Express Mail Label No. EV 406 075 820 US (1/20/2004)

PATENTS ONLY

Tab settings   

To the Honorable Commissioner of Patents and Trademarks: Please Record the attached original documents or copy thereof.

COPY

1. Name of conveying party(ies):

Larry Smith
Brandon Felmet



Additional name of conveying party(ies) attached? Yes No

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: January 5, 2004 and December 31, 2003

2. Name and address of receiving party(ies)

Name: Clayton-Marcus Company, Inc.

Internal Address: _____

Street Address: 166 Teague Town Road

City: Hickory State: NC Zip: 28601

Additional Name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: January 5, 2004

A. Patent Application No.(s)

10/644,263

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Paul A. Keller/Jeffrey H. Urian

Internal Address: Harness, Dickey & Pierce, P.L.C.

Street Address: P.O. Box 828

City: Bloomfield Hills State: MI Zip: 48303

6. Total number of applications and patents involved:

7. Total fee (37 CFR 3.41)\$ 40.00

Enclosed

Authorized to be charged to deposit account

8. The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayments to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

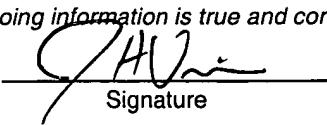
DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Paul A. Keller/Jeffrey H. Urian

Name of Person Signing


Signature

January 20, 2004

Date

Total number of pages including cover sheet, attachments, and documents:

Mail documents to be recorded with required sheet information to:

Director of the United States Patent and Trademark Office

P.O. Box 1450
Alexandria, VA 22313-1450

COPY

ASSIGNMENT

Atty. Docket No. 1202L-003002

WHEREAS, the undersigned, hereinafter referred to collectively as Assignor, has invented:

SPRING SUPPORT FOR SEATING AREA OF FURNITURE

for which Assignor is about to make or has made United States or International application for patent

- (a) executed on even date preparatory to filing (each inventor should sign this Assignment on the same day as he/she signs the Declaration and Power of Attorney);
- (b) executed on _____, _____, _____;
- (c) filed on August 20, 2003, and assigned Serial No. 10/644,263 or PCT International Application No. _____;
- (d) U.S. Patent No. _____, issued _____; or
- (e) entitled above and naming the undersigned inventors in this provisional patent application; and

WHEREAS, Clayton-Marcus Company, Inc., a North Carolina corporation, 166 Teague Town Road, Hickory, North Carolina 28601, hereinafter referred to as Assignee, is desirous of acquiring an interest therein:

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy whereof is hereby acknowledged, Assignor by these presents does sell, assign and transfer unto Assignee and its successors in interest, the full and exclusive right, title and interest in the United States of America and all foreign countries, including the right to claim priority under the laws of the United States, the Paris Convention, and any foreign countries, to the said invention as described in the aforesaid application, said application for patent and all Letters Patent therefor to be held and enjoyed by Assignee to the full end of the term for which said Letters Patent are granted and any extensions thereof as fully and entirely as the same would have been held by Assignor had this assignment and sale not been made, and the right to recover for past infringements of, or liabilities for, any of the rights relating to any of said applications or patents resulting therefrom;

Assignor hereby covenants and agrees to execute all instruments or documents required or requested for the making and prosecution of any applications of any type for patent in the United States and in all foreign countries including, but not limited to, any provisional, continuation, continuation-in-part, divisional, renewal or substitute thereof, and as to letters patent any reissue, re-examination, or extension thereof, and for litigation regarding, or for the purpose of protecting title and to the said invention, the United States application for patent, or Letters Patent therefor, and to testify in support thereof, for the benefit of Assignee without further or other compensation than that above set forth;

Assignor hereby covenants that no assignment, sale or agreement or encumbrance has been or will be entered into which would conflict with this Assignment; and

Assignor hereby requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States of America to Assignee, and requests that any official of any country or countries foreign to the United States, whose duty it is to issue or grant patents and applications as aforesaid, to issue said Letters Patent, Utility Model Registration or Inventor's Certificate to Assignee.

Assignor hereby authorizes my attorney to insert here in parentheses (Application No. _____, filed _____) the filing date and application number of said application when known.

ASSIGNMENT

Attorney Docket No. 1202L-003002

Larry Dean Smith
Larry Smith

On this 5th day of January, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that he/she executed the same of his/her own free will for the purposes therein set forth.

Quita C. Elliott

Notary Public,

(seal)

Catawba County, State of NC

My Commission Expires: 06-28-2005



Brandon Felmet

On this 31st day of December, 2003, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that he/she executed the same of his/her own free will for the purposes therein set forth.

Quita C. Elliott

Notary Public,

(seal)

Catawba County, State of NC

My Commission Expires: 06-28-2005